



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE
DALLAS, TEXAS 75202-2733

MAR 27 2015

CERTIFIED MAIL: RETURN RECEIPT REQUESTED (7010 2780 0002 4353 8437)

Mr. Alison M. Dorries
U.S. DOE Los Alamos Site Office
3747 West Jemez Road
Los Alamos, NM 87544

Re: NPDES Permit No. NM0028355
Final Permit Decision for Permit Modification

Dear Mr. Dorries:

This package constitutes EPA's final permit modification decision for the above referenced facility. Enclosed are the responses to comments received during the public comment period and the final permit Part I. According to EPA regulations at 40 CFR124.19, within 30 days after a final permit decision has been issued, any person who filed comments on that draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition of the permit decision.

Should you have any questions regarding the final permit, please feel free to contact Isaac Chen of the NPDES Permits Branch at the above address or VOICE: 214-665-7364, FAX: 214-665-2191, or EMAIL: chen.isaac@epa.gov. Should you have any questions regarding compliance with the conditions of this permit, please contact the Water Enforcement Branch at the above address or VOICE: 214-665-6468.

Sincerely yours,

A handwritten signature in black ink, appearing to read "WK Honker".

William K. Honker, P.E.

Director

Water Quality Protection Division

Enclosures

cc (w/enclosures):

New Mexico Environment Department

**NPDES PERMIT NO. NM0028355
RESPONSE TO COMMENTS**

RECEIVED ON THE SUBJECT DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT IN ACCORDANCE WITH REGULATIONS LISTED AT 40CFR124.17

APPLICANT:

Los Alamos National Security, LLC
Los Alamos National Laboratory
PO Box 1663, K491
Los Alamos, New Mexico 87544

AND

U.S. Department of Energy
Los Alamos Area Office, A316
3747 West Jemez Road
Los Alamos, NM 87544

ISSUING OFFICE:

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

PREPARED BY:

Isaac Chen
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NPDES Permits Branch
Water Quality Protection Division
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PERMIT ACTION:

Final permit modification decision and response to comments received on the draft NPDES permit modification publicly noticed on December 20, 2014.

DATE PREPARED:

March 9, 2015

Unless otherwise stated, citations to 40CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations, revised as of February 2, 2015.

SIGNIFICANT CHANGES FROM DRAFT PERMIT

There are significant changes from the draft permit modification publicly noticed on December 20, 2014. All changes and their rationale for changes can be found in the following response to conditions of certification or response to comments.

- A. Change daily maximum and monthly average temperature limitations from 20°C to 24°C; and
- B. Retain the daily maximum temperature limitation after 6T3 temperature limitation takes place.

State Certification

State certification letter from Mr. James Hogan (NMED) to Mr. William Honker (EPA), dated February 3, 2015, conditionally certifies that the discharge will comply with the applicable provisions of the Clean Water Act and with appropriate requirements of State law. NMED also includes comments in the certification letter.

Note: Inclusion of permit requirements to comply with conditions of certification are required by 40 CFR § 124.55(a)(2). Challenges to conditions of certification must be made through NMED. In any case, if conditions are based on procedures or guidelines, rather state regulations, EPA would treat those conditions as recommendations or comments, and would respond accordingly. If any condition will result in less stringent permit conditions, then EPA would treat those conditions as a statement of the extent to which the permit could be made less stringent (see 40 CFR §124.53(e)(3)).

Comments Received From Other Entities

Letter from Messrs. Alison M. Dorries and Gene E. Turner (Los Alamos National Laboratory-LANL) to Ms. Diane Smith (EPA) via email dated January 15, 2015.

Condition #1: The New Mexico Environment Department (NMED) conditions that the Final Permit Modification must be protective of both the maximum temperature and 6T3 temperature numeric criteria to protect the designated uses of Coldwater Aquatic Life of perennial portions of Sandia Canyon from Sigma Canyon upstream to LANL NPDES Outfall 001 in Segment 20.6.4.126 NMAC, as described and defined in State WQS 20.6.4.900.H(2), 20.6.4.7.A(2) NMAC (6T3 temperature), and 20.6.4.7.M(3) NMAC (maximum temperature). NMED also states that (1) the numeric daily maximum temperature value of 20°C for Outfall 001 in Part I.A can be changed to 24°C in the Final Permit and (2) the monthly average reporting requirement and limitation of 20°C can be removed from the Final Permit.

EPA Response: The daily maximum temperature limitation of 24°C is established.

NMED Comment #1: If USEPA decides to include the daily maximum temperature monthly average reporting requirement and limitation, then the reason should be included in USEPA Response to Comments.

EPA Response: The maximum temperature limitation of 24°C is retained from the previously issued permit based on previous State water quality standards.

NMED Comment #2: Municipal terms for “monthly average” and “daily maximum” in standard conditions Part III.F.22 of the Permit are not applicable to 6T3 temperature conditions.

EPA Response: Comment noted. LANL is not a municipal facility. The 6T3 temperature limitation is given in the footnote.

NMED Comment #3: NMED states that the Permittees will need to include all data collected at a required frequency of 1/Hour when 6T3 temperature takes effect when reporting both daily maximum temperature and 6T3 temperature per conditions of the Final Permit Modification. Clarification that increased monitoring and reporting for daily maximum temperature will be required in Outfall 001 of Part I.A of the final Permit Modification is recommended.

EPA Response: LANL shall report the daily maximum temperature based on 6T3 temperature record.

LANL Comment #1: LANL commented that EPA reestablished temperature limitations and monitoring requirements from previously expired permit as interim temperature limitation prior to effectiveness of final 6T3 temperature limitations. The daily maximum temperature was 24°C and monthly average temperature is also 24°C, not 20°C.

EPA Response: The 20°C as proposed in the draft permit modification was a typo. The final permit has incorporated the 24°C limitations for both daily maximum and monthly average.

LANL Comment #2: LANL commented that the 6T3 temperature does not include the maximum temperature of 24°C as given in NMAC 20.6.4.900H(2) for coldwater aquatic life designated use.

EPA Response: The maximum temperature limitation of 24°C is established as discussed above. LANL is required to report both 6T3 temperature and daily maximum temperature when 6T3 Temperature limitation becomes effective.

LANL Comment #3: LANL commented that storm water and roof drain are authorized at Outfall 04A022 and the pH of natural rainwater in the area often less than 6.0 standard unit.

EPA Response: Comment noted. LANL may need to reconsider whether or not to use Outfall 04A022 for collection and discharge of non-contaminated storm water and roof drain.